

REMARKS

The Office Action of February 2, 2010, has been reviewed and these remarks are responsive thereto. Claims 1, 2, 5, 8, 9, 12, 14, 19, 20, 23, 24, 30, 31 and 35-41 have been amended. Claims 49-52 have been added. No new matter is introduced with this addition. Upon entry of the present Amendment, claims 1-3, 5, 8, 9, 12-14, 16, 19, 20, 23-25, 27, 30, 31 and 35-52 are pending in the application. Reconsideration and allowance of the instant application are respectfully requested.

Rejections under 35 U.S.C. § 102

Claims 1-3, 5, 8, 9, 12-14, 16, 19, 20, 23-25, 27, 30, 31, 36, 37, 39-48 stand rejected under 35 U.S.C. 102(b) as being anticipated by Hoarty (U.S. Patent No. 5,485,197, hereinafter “Hoarty”). Applicants respectfully traverse these rejections. To reject a claim as anticipated under 35 U.S.C. § 102, a single prior art reference must teach every aspect of the claimed invention. MPEP § 706.02.

Amended Claim 1 recites, among other features, the following (emphasis added):

a database including a plurality of 3-D EPG worlds, each 3-D EPG world includes a virtual world layout that provides the layout of the presented virtual world and each 3-D EPG world is assignable to the 3-D EPG;

wherein the first unit is further configured to:

determine an assignment to the 3-D EPG of a 3-D EPG world of the plurality of 3-D EPG worlds, wherein the assignment is customizable,

select the 3-D EPG world based on the assignment, and

modify the layout of the presented virtual world based on the virtual world layout of the 3-D EPG world.

The Office Action relies on Hoarty as describing the features of claim 1. However, Hoarty fails to teach or suggest every feature recited in claim 1. For example, the Office Action at page 3 states Figs. 35-41 of Hoarty describe “a database including a plurality of 3-D EPG worlds.”

Applicants disagree. Figs. 35-41 of Hoarty merely illustrate a plurality of views for a menu system providing interactivity for a user. *See, e.g.*, Hoarty, Figs. 35-41, col. 5, ll. 7-10 and col. 18, l. 63-col. 19, l. 45. Even assuming, without admitting, that Figs. 35-41 of Hoarty describe a plurality of 3-D EPG worlds, the plurality of views for a menu system described in Hoarty does not teach or suggest “a database including a plurality of 3-D EPG worlds,” as recited by claim 1 (emphasis added).

As another example, Hoarty fails to teach or suggest the features related to the first unit configured to “determine an assignment to the 3-D EPG of a 3-D EPG world of the plurality of 3-D EPG worlds, wherein the assignment is customizable,” as recited in claim 1. First, Hoarty does not contemplate **customizable** assignments of EPG worlds. Indeed, Hoarty describes a system that includes an EPG with hard-programmed displays. *See, e.g.*, Hoarty, col. 18, l. 63 – col. 19, l. 18. For instance, Hoarty hard-programs when the carousel display is presented to a view of the EPG (e.g., the carousel display is *always* displayed in response to an information service being selected). *Id.* In another instance, the system of Hoarty also includes “circuitry for generating a display of a carousel on a subscriber’s television.” Hoarty, Abstract. Thus, even assuming, without admitting, that the carousel display is a 3-D EPG world and that the Hoarty system includes an assignment for the carousel display to the EPG as recited in claim 1, because any assignment for the carousel display is hard-programmed, any assignment cannot be customized. *See, e.g.*, Hoarty, col. 18, l. 63 – col. 19, l. 18; *see also* Hoarty, Abstract. Second, because which world gets displayed is hard-programmed into the system (e.g., the carousel display is displayed in response to an information service being selected, *see, e.g.*, Hoarty, col. 18, l. 63 – col. 19, l. 18), it follows that Hoarty fails to teach or suggest determining an assignment, as recited in claim 1. When any assignment is hard-programmed into the system, there is no need to determine an assignment that has been already hard-programmed.

Thus, for at least these reasons, Hoarty fails to teach all the features of claim 1. Accordingly, claim 1 distinguishes over the cited documents and is allowable over the cited reference.

Independent claims 12 and 23, although different in scope, recite language similar to claim 1 and are allowable for at least reasons substantially similar to those discussed above with respect to claim 1.

Dependent claims 2, 3, 5, 8, 9, 13, 14, 16, 19, 20, 24, 25, 27, 30, 31, 36, 37 and 39-48 depend from one of independent claims 1, 12, or 23 and are distinguishable from the cited references for at least the same reasons as claim 1, and further in view of the various novel and non-obvious features recited therein.

For example, claim 5 recites, among others, features “wherein the database further includes at least one of a program event, program schedule time, program channel identification, and program title.” The Office Action asserts that Fig. 36 of Hoarty describes these features. Office Action, page 4. Applicants disagree. Fig. 36 of Hoarty illustrates “a portion of the grid display, plotting television programs as a function of channel and time for a given date and portion of the day.” Hoarty, col. 19, ll. 24-26. A portion of a grid display does not constitute the database further including at least one of a program event, program schedule time, program channel identification, and program title, as recited by claim 5 (emphasis added). Thus, for at least this additional reason, Applicants submit that claim 5 is allowable.

Claims 16 and 27 recite language similar to claim 5 and are similarly distinguishable over Hoarty.

As another example, claim 8 recites “wherein the assignment is determined based on a user selection.” As discussed above with respect to claim 1, Hoarty does not teach or suggest

determining an assignment. Thus, it follows that Hoarty does not teach or suggest determining the assignment based on a user selection.

Claims 19 and 31 recite language substantially similar to claim 8 and are similarly distinguishable over Hoarty.

As another example, claim 36 recites “wherein the assignment of the 3-D EPG world is determined on the basis of a user’s preferences.” As discussed above with respect to claim 1, Hoarty does not teach or suggest determining an assignment. Thus, it follows that Hoarty does not teach or suggest determining the assignment on the basis of a user’s preferences.

Claim 39 recites language substantially similar to claim 36 and is similarly distinguishable over Hoarty.

In addition, claim 37 recites “wherein the assignment of the 3-D EPG world is determined based on a programmer selection.” As discussed above with respect to claim 1, Hoarty does not teach or suggest determining an assignment. Thus, it follows that Hoarty does not teach or suggest determining the assignment based on a programmer selection.

Claim 40 recites language substantially similar to claim 37 and is similarly distinguishable over Hoarty.

Further, claim 43 recites, among other features, “wherein the database further includes localized interactive content, and the first unit is configured to generate the 3-D EPG based on localized interactive content.” The Office Action alleges that Hoarty at col. 18, ll. 63 – col. 19, ll. 18 describes these features. Office Action, page 5. Applicants disagree. The cited portion of Hoarty merely describes a carousel display and a method of interacting with the carousel display to provide a user with menus and other displays for interacting with an information service. *See* Hoarty, col. 18, ll. 63-65. Even assuming, without admitting, that the method describes localized

interactive content, there is no teaching or suggestion of the database further including localized interactive content, and the first unit is configured to generate the 3-D EPG based on localized interactive content,” as recited in claim 43. Thus, Applicants submit that claim 43 is allowable.

Claims 47 and 48 recite language similar to claim 43 and are similarly distinguishable over Hoarty.

Claim 45 recites, among others, features “wherein the database is configured to store localized interactive content in real-time.” The Office Action relies on Hoarty at col. 8, ll. 40-49 as describing these features. Office Action, page 5. The cited portion of Hoarty, however, does not mention a “database,” “localized interactive content,” nor storing “in real-time.” Instead, col. 8, ll. 40-49 of Hoarty describes that information services “can be provided to a subscriber over virtual channels.” This providing of services does not constitute “wherein the database is configured to store localized interactive content in real-time,” as recited by claim 45. Accordingly, Applicants submit that claim 45 is allowable over Hoarty.

Claim 46 recites, among other features, “wherein the database further includes electronic commerce objects, and the first unit is configured to generate the 3-D EPG based on electronic commerce objects.” The Office Action allegedly finds Fig. 35 of Hoarty to describe these features. Office Action, page 5. However, Fig. 35 of Hoarty illustrates “an embodiment of the carousel menu system in accordance with the invention when an interactive information service has been selected.” Hoarty, col. 18, ll. 65 – col. 19, ll. 1. The illustrated embodiment of a “carousel menu system” does not teach or suggest “wherein the database further includes electronic commerce objects, and the first unit is configured to generate the 3-D EPG based on electronic commerce objects.” as recited by claim 46 (emphasis added).

Rejections under 35 U.S.C. § 103

Claims 35 and 38 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hoarty in view of Rowe et al. (US Patent No. 5,623,613, hereinafter “Rowe”). Applicants respectfully traverse these rejections.

Claims 35 and 38 depend from independent claims 1 and 12, respectively. The addition of Rowe fails to cure the deficiencies of Hoarty discussed above respect to claims 1 and 12. Accordingly, claims 35 and 38 patentably distinguish over the cited documents for at least reasons substantially similar to those discussed with respect to claims 1 and 12, and further in view of the novel and non-obvious features recited therein.

For example, claim 35 recites “wherein the assignment of the 3-D EPG world is determined on the basis of a user’s age.” As discussed above with respect to claim 1, Hoarty does not teach or suggest determining an assignment. Thus, it follows that Hoarty does not teach or suggest determining the assignment on the basis of a user’s age.

Claim 38 recites language substantially similar to claim 35 and is similarly distinguishable over Hoarty.

New Claims

New claims 49-52 have been added. Support for these new claims can be found throughout the originally filed specification, claims and figures and at least at paragraphs [0032]-[0035]. Although these claims have not been rejected, Applicants provide the following remarks in support of these claims. Claims 49-52 depend from claim 1 and are allowable for at least the same reasons as discussed above with respect to their base claims, in addition to the novel and non-obvious features recited therein.

CONCLUSION

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. Should the Examiner believe that a telephonic or in-person interview would aid in prosecution of this matter, Applicants urge Examiner to contact the undersigned attorney.

Respectfully submitted,
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